



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
-----------------	-------------	----------------------	---------------------	------------------

10/592,958

09/15/2006

Minoru Ueda

740675-72

7423

78198

7590

06/20/2008

Studebaker & Brackett PC
1890 Preston White Drive
Suite 105
Reston, VA 20191

EXAMINER

KIM, JOHN K

ART UNIT

PAPER NUMBER

2834

MAIL DATE

DELIVERY MODE

06/20/2008

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No. 10/592,958	Applicant(s) UEDA ET AL.	
	Examiner JOHN K. KIM	Art Unit 2834	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 24 April 2008.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-3 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-3 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 15 September 2006 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|----------------------------------------------------------------------------------------|-------------------------------------------------------------------|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date <u>9/15/2006, 10/2/2007</u> . | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

1. This Office action is in response to papers filed on 24 April 2008. Amendments made to the claims and Applicant's remarks have been entered and considered.

Response to Arguments

2. Applicant's arguments filed 24 April 2008 have been fully considered but they are not persuasive. The applicant argues "... With respect to the rejection of claim 1, the Examiner appears to have failed to address the plurality of secured positions (3e) claimed by Applicant."

However, specification section [0041] defines "3e Securing planned position (through-hole for laser welding)" and section [0008] explains the purpose/function of the secured positions as "... a distance between the securing planned position and a central vibration position of the suspension and the housing is changed"

According to above definition, the securing planned position is through-hole for laser welding, and the holes 53's in the prior art are also through-holes on the suspension spring which can be used for laser welding as well. The purpose of these holes as described in specification section [0106] is fixing pieces, i.e., securing arranged positions and lengths in a radial direction of the projecting flange portions 22c to 22e are predetermined, Frequency change can also be obtained by changing the 'arranged positions and lengths'. Thus, as for the language in the claim, the limitations are taught by the cited prior art. The difference between cited prior art and the invention is location

and number of the holes and location of suspension, however, it is not included in the claim.

3. Thus, the rejection of claims 1-3 as rejected under 35 U.S.C. §102(b) as being anticipated by Ueda et al (US 2004/0075351) is maintained and restated below.

Claim Rejections - 35 USC § 102

4. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

5. Claims 1-3 are rejected under 35 U.S.C. 102(b) as being anticipated by Ueda et al (US 2004/0075351).

As for claim 1, Ueda teaches (in Figs. 23 and 25-27) a multifunction-type vibration actuator [0001], wherein a housing (1) accommodates a magnetic circuit part (2), a suspension (5) for elastically supporting said magnetic circuit part (2) in said housing (1), a diaphragm (4) facing said magnetic circuit part, and a voice coil (3) provided to said diaphragm (4) and inserted into a magnetic gap (G in Fig. 24) of said magnetic circuit part (2), an input of a signal with a vibration frequency to said voice coil(3) allows vibration [see 0015] of said suspension(5) securing said magnetic circuit part (2) to be transmitted outward through said housing(1), and a plurality of secured positions (53's in Fig. 25) for said magnetic circuit part (2) and said suspension (5) are

Art Unit: 2834

prepared so as to be close to each other, and a distance between said securing planned position (2) and a central vibration position of said suspension (5) and said housing (1) is changed (see sloped 22h) by selecting a securing planned position (2) suitable for a characteristic of said suspension (5) to be mounted and suitable also for a weight of said magnetic circuit part (2) from said secured positions (53's in Fig. 25) and securing using said securing planned position.

As for claim 2, Ueda clearly shows and discloses the claimed invention as applied to claim 1 above. Ueda further teaches (in Fig. 25) secured positions(53's) are through-holes. The recitation regarding the holes for laser welding opened in a suspension, and laser welding is performed by changing laser radiation positions toward said through-holes is considered to be intended usage and does not further structurally limit the apparatus claim.

As for claim 3, Ueda clearly shows and discloses the claimed invention as applied to claim 1 above. Ueda further teaches (in Fig. 1, and also see [0015]) a call-out signal initiates vibration of said diaphragm (4) and one or both mechanical vibration systems including a magnetic circuit part (2) and a suspension (5) in order to transmit vibration of said mechanical vibration systems throughout a device through a housing and reset of said call-out signal stops vibration of said diaphragm (4) and said mechanical vibration systems.

Conclusion

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to JOHN K. KIM whose telephone number is (571)270-5072. The examiner can normally be reached on M-F 8-5.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Darren Schuberg can be reached on 571-272-2044. The fax phone number for the organization where this application or proceeding is assigned is 571-270-6072.

Art Unit: 2834

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

JK

/Darren Schuberg/

Supervisory Patent Examiner, Art Unit 2834